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mary and hold himself independent at the general election is not a satisfactory solution of the problem. A few of the States have attempted to abolish the party test, but their acts have been declared unconstitutional. The Wisconsin law secures absolute secrecy and allows the elector to vote for the candidates of either party, but not for both.

Other subjects dealt with by legislation are the date of the primary, proxies, the apportionment of delegates to conventions, the vote necessary for nomination, the unit rule (forbidding it in North Dakota), assessment of candidates for election expenses, and the convention. Professor Merriam thinks that the experience of Illinois condemns choice by a convention when no candidate receives a majority in the primary. He also thinks that "the public will accept the plurality system before it is reconciled to the complications of the preferential system." Wisconsin provides for the formation of the State platform by a candidates' convention, while several States allow the State central committee to act with the candidates in this work. Texas provides for the submission of questions of party policy to the voters on petition of 10 per cent of the party's voters. Professor Merriam favors the Wisconsin plan and thinks that the lack of a platform in local election a matter of no consequence, if there is no living issue of a local character.

After a careful consideration of the convention system the author reaches the conclusion that it is doomed. The great objection to the primary is that it emphasizes the national party in local elections. The best remedy Professor Merriam has to offer is the reduction of the number of elective offices. The people should choose all officers concerned with the formulation of public policies, but administrative work is not partisan and of the officers concerned in this work the people should choose directly only the chief ones, such as governor and mayor, and should impose upon them the duty of choosing and supervising the administrative officers. Instead of being undemocratic the author thinks that this would be a decided advance in democracy.

DAVID Y. THOMAS.

The Adoption of the Fourteenth Amendment. By HORACE EDGAR FLACK, Ph.D. (Baltimore: The Johns Hopkins Press. 1908. Pp. 279.)

The attention of our newspapers and magazines, and also of our public men in general, is now very much occupied by a consideration of the tendency towards centralization in our government, as shown by so-

called "executive aggression," such acts of congress as the regulation of railroad rates and the pure-food law, and by various decisions of our federal courts during the last twenty-five years. On the one hand, we have the fear that the activities of our State and local governments will be absorbed by the national administration, and on the other, the claim of actual necessity and political expediency. We even hear discussion of "the limitations of federal government," and the assertion that these may prove a detriment when our country has been consolidated by a real community feeling and identity of interests. Hence, Dr. Flack's work is very timely in its appearance, for it is a record of the greatest attempt ever made in our history, to aggrandize the power of our national government in general, and of congress in particular, at the expense of the States. The object of the book is to examine and narrate the circumstances under which the fourteenth amendment was made and adopted, and "the desires and expectations of its framers and supporters" (Pref. p. 7).

The freedmen's bureau and civil rights bills are first considered. It is shown that although the republican party leaders claimed that both bills were constitutional, the former as a war measure and the latter under the second section of the thirteenth amendment, yet a vague fear that they might not be able to stand the test of the courts caused the reconstruction committee of congress to take in hand the introduction and passage of the fourteenth amendment.

Of this amendment, section 1 defines State and national citizenship, and prohibits the States from abridging the privileges and immunities of United States citizens, or depriving any person of the aid and protection of the laws. It is stated that the main purpose of this section was to "increase the power of the federal government very much, but to do it in such a way that the people would not understand the great changes intended to be wrought in the fundamental law of the land" (p. 69). The immediate objects were to make the first eight amendments binding upon the States, and to give undisputed validity to the civil rights bill. As regards section 2 (dealing with the basis of representation and with the disfranchisement of citizens), the "chief purpose was to weaken the power of the south, and so of the democratic party, and to keep the republican party in power" (p. 126). "The question of party, and not of right and justice, was given precedence" (p. 106).

The third section was intended not only to punish the southern leaders, but also to serve the political purpose of making it "easier for the party in power to continue in control of the government" (p. 128).

The republican leaders inserted section 4, which guaranteed the public debt of the United States, with the evident design of strengthening the other sections and securing votes for the party.

Finally, section 5 was meant to strengthen the hands of congress and the national government at the expense of the States, by the gift of the "power to enforce, by appropriate legislation, the provisions of this article." Of course the question of just what would be "appropriate legislation" was not determined, and it was the evident intention of the radical leaders to extend the power of congress to the extreme limit of interpretation.

A thorough and comprehensive outline and analysis of the debates in congress over the adoption of the amendment is given, also of its discussion by the newspapers of the land, and its adoption by the legislatures of the various States, though it is seen that the debates during its consideration by the last-named bodies were often meager and unsatisfactory.

Furthermore, after the amendment was adopted "congress thought and declared, both by the debates and by the [later civil rights] bill itself, that it was given affirmative power of legislation by the fourteenth amendment" (p. 249). These activities of congress were cut short very soon by the decisions of the supreme court in the slaughter house cases in 1873.

The book gives a careful survey of the subject, and the author's conclusions are correct in the main. However, he fails to note that the influence of the old idea of the abolitionists, who felt that they were fighting for the fundamental principles of individual freedom and equality before the law, was just as potent in accomplishing the adoption of the amendment, as the more selfish aim of many of the radicals, who desired to keep their party in power, and themselves in office.

Perhaps the greatest fault of the work is that it goes too much into detail at times, for the long analysis and repetition of the discussion and debates prove wearying to the reader. An outline of the best discussion of the amendment in congress which was made by Senator J. M. Howard of Michigan and Representative John A. Bingham of Ohio (as the book abundantly proves), followed by a summary of the ideas of the other members, many of them of no particular consequence, would have been entirely sufficient for the purpose of the work.

The errors are few, and with one or two exceptions of little consequence. The statement on p. 233 that the supreme court of the United States "held that the first eight amendments were *not* limitations upon the power of the United States" is evidently the direct

opposite to the facts, and to what was intended. It is easily corrected by the omission either of the word "not," or of the word "united." Mr. Blair was not senator from Maryland (p. 245) but from Missouri, and Mr. Thurman of Ohio never vice-president of the United States (p. 251). He was merely democratic candidate for that office in 1888. The most serious lapse in diction is on page 255, where we read that "the significant thing in his speech was what was the virtual statement that the first eight amendments were made applicable to the States by the fourteenth amendment."

W. STARR MYERS.

The American Executive and Executive Methods. By JOHN H. FINLEY and JOHN F. SANDERSON. (New York: The Century Company. 1908. Pp. 352.)

This volume, the last of the excellent American State Series, maintains in general the high standard of scholarship and clearness of expression that characterize the preceding volumes. As stated in a brief prefatory note, it was completed by President Finley with the coöperation of Mr. Sanderson. Their respective contributions, however, are not indicated, although the lawyer's method and point of view, evident in many ways, may show Mr. Sanderson's influence.

The general plan of treatment is as follows. Three brief chapters sketch the historical organization of executive power in the United States. In the first, the colonial governor is considered, and emphasis laid on the limitations placed on his authority. The second deals with State executives under the confederation, showing the attempts at separation of departments and the close connection between the powers of the new executives and those of the provincial governors, the suspensive veto being the most important new feature. Chapter iii deals with the method of choosing executive officials, contrasting the unified system of the federal government, where subordinates are controlled by a single head, with the distributed system of the States, where power of selection has been divided among the chief executive, the legislature and popular suffrage. From these historical chapters it is shown that the American executive derives its organization and powers from colonial precedents and that modifications have been, in the main, toward increasing executive authority and replacing legislative control by popular election.

Chapters on the relations of executive to judiciary and legislature indicate their separation in theory and their close connection in actual